

**INITIAL STUDY**

**PROJECT FILE NO.:** GP09-08-01

**PROJECT DESCRIPTION:** General Plan amendment to change the Land Use/Transportation Diagram designation on a 3.2 gross acre site from Public/Quasi-Public to Medium Low Density Residential (8 DU/AC).

**PROJECT LOCATION:** Southeast corner of Yerba Buena Road and Dove Hill Road (3800 Dove Hill Road) (APN 679-11-001)

**GENERAL PLAN DESIGNATION:** Public/Quasi-Public      **ZONING:** A(PD) Planned Development

**SURROUNDING LAND USES/GENERAL PLAN/ZONING:**

North: Single-family detached across Yerba Buena Road/Low Density Residential (8 DU/AC)/R-1-8(CL)

East: Single-Family detached/Low Density Residential (8 DU/AC)/A(PD) Planned Development

South: Single-family detached and hillside/Non Urban Hillside/A Agriculture

West: Highway 101/ Low Density Residential (8 DU/AC)

**PROJECT APPLICANT'S NAME AND ADDRESS:** Joey Lo  
3300 Ralston Avenue Hillsborough, CA 94010

**SITE DESCRIPTION AND EXHIBITS:** The existing, moderately sloping parcel is vacant grassland that overlooks Highway 101 to the northwest. (See also the Location Map, Parcel Map, General Plan Map, Zoning Map, Aerial site photo, and photos of the site.)

**DETERMINATION - On the basis of this initial study:**

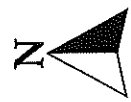
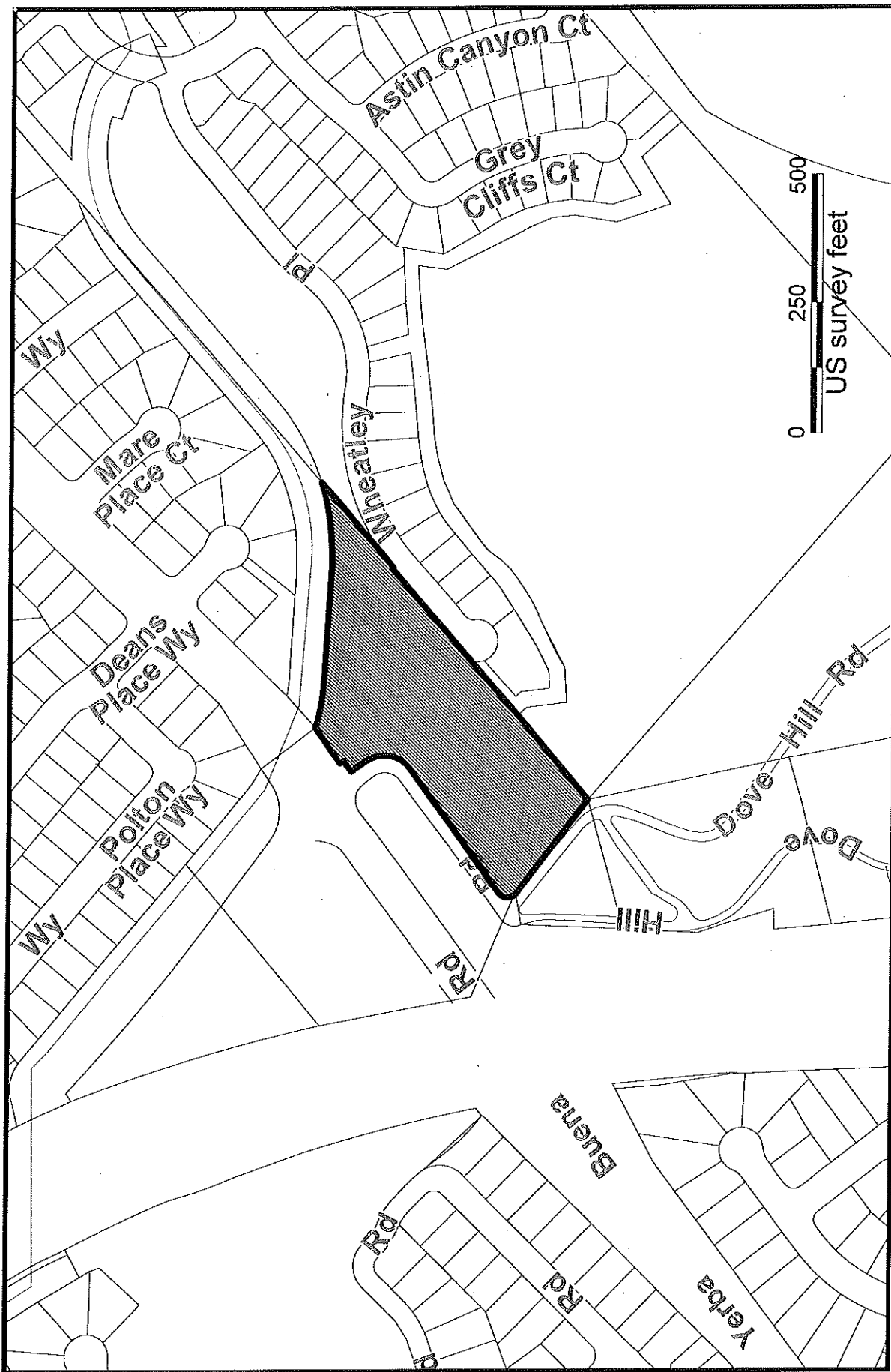
<input checked="" type="checkbox"/>	I find the proposed project could not have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A <b>MITIGATED NEGATIVE DECLARATION</b> will be prepared.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT(EIR)</b> is required.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or <b>NEGATIVE DECLARATION</b> pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or <b>NEGATIVE DECLARATION</b> , including revisions or mitigation measures that are included in the project, and further analysis is not required.

Date February 23, 2010

Name of Preparer: Lesley Xavier

Signature

Phone No.: (408) 535-3555



06/09/2009

Noticing Radius: 500 feet

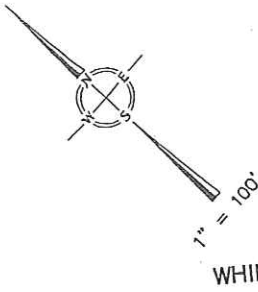
File No: GP09-08-01

District: 8

Quad No: 101

BAYSHORE FREEWAY  
BOOK 494

101



BOOK 676

DEANS PLACE WAY

TRACT No. 5337

ROAD

TRACT No. 5393

YERBA BUENA

PLACE

MARE PLACE CT.

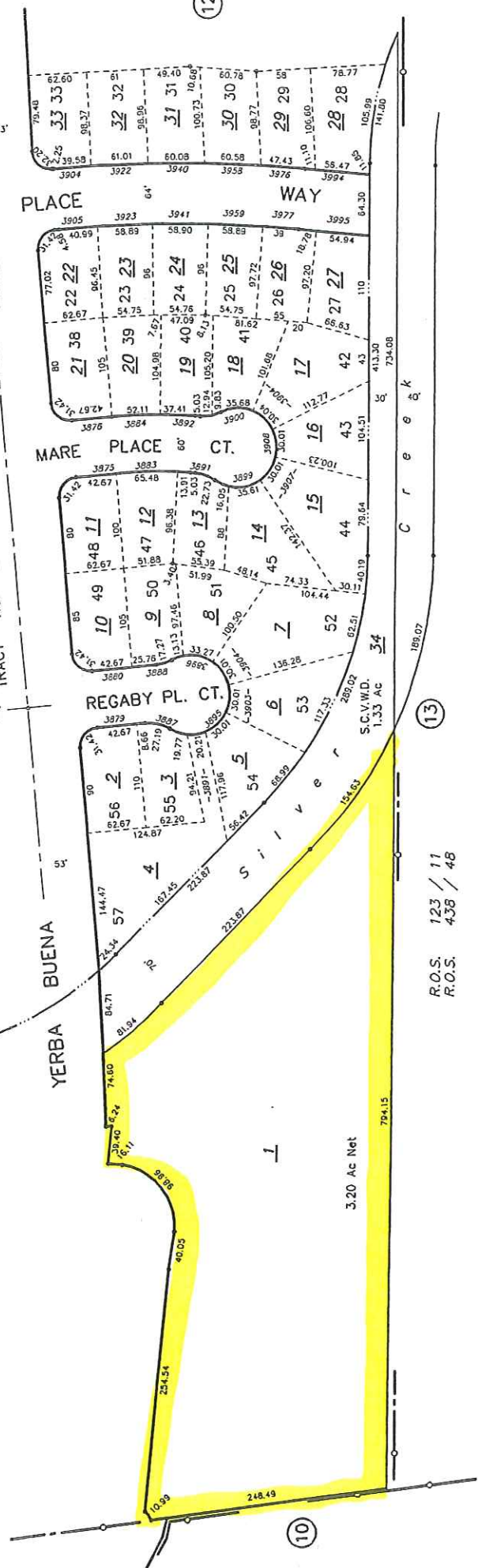
REGABY PL. CT.

WAY

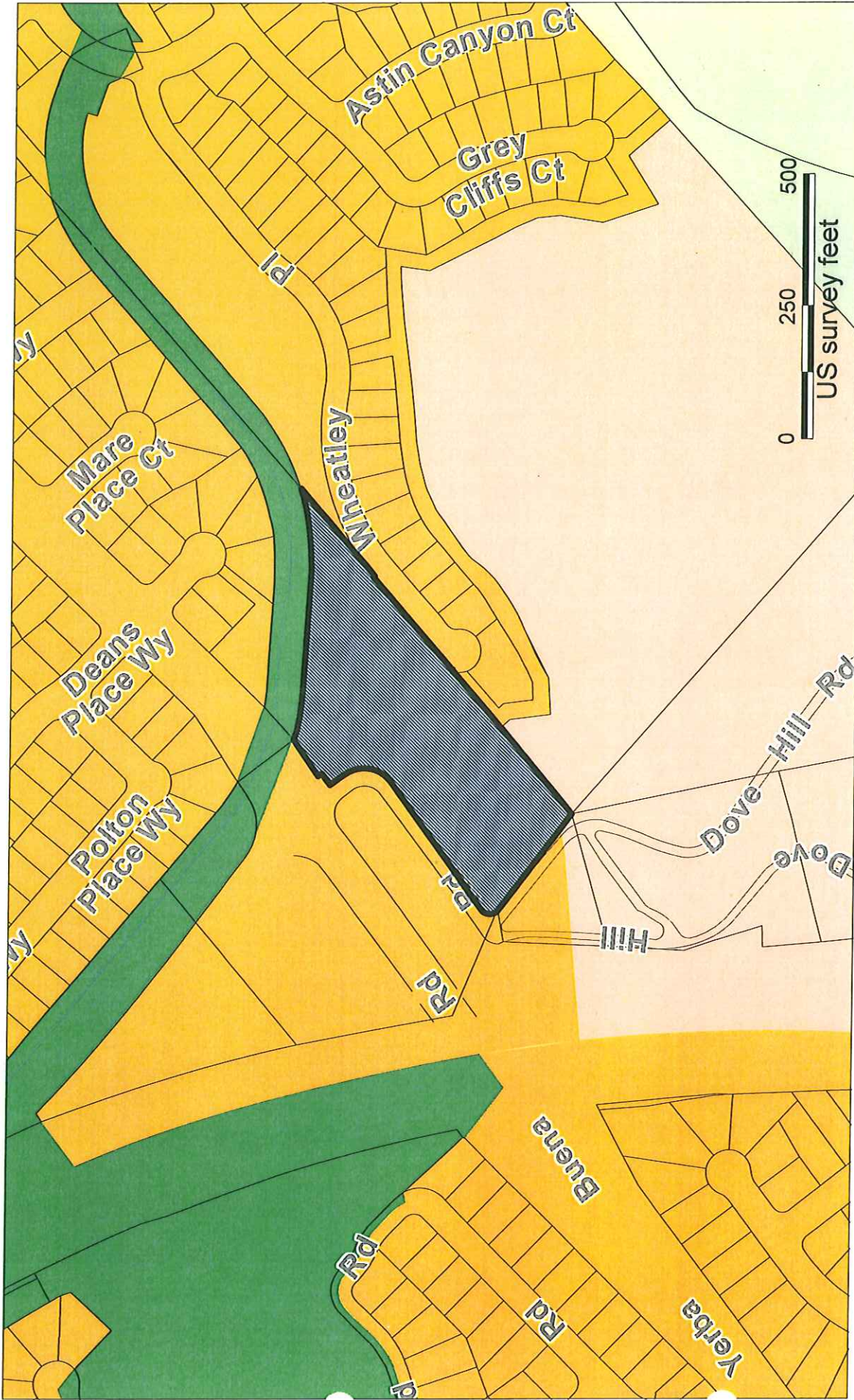
3.20 Ac Net

R.O.S. 123 / 11  
R.O.S. 438 / 48

LAWRENCE E. STONE — ASSESSOR  
Cadastral map for assessment purposes only  
Compiled under R. & T. Code, Sec. 327,  
Effective Roll Year 2007-2008







## General Plan

File No: GP09-08-01

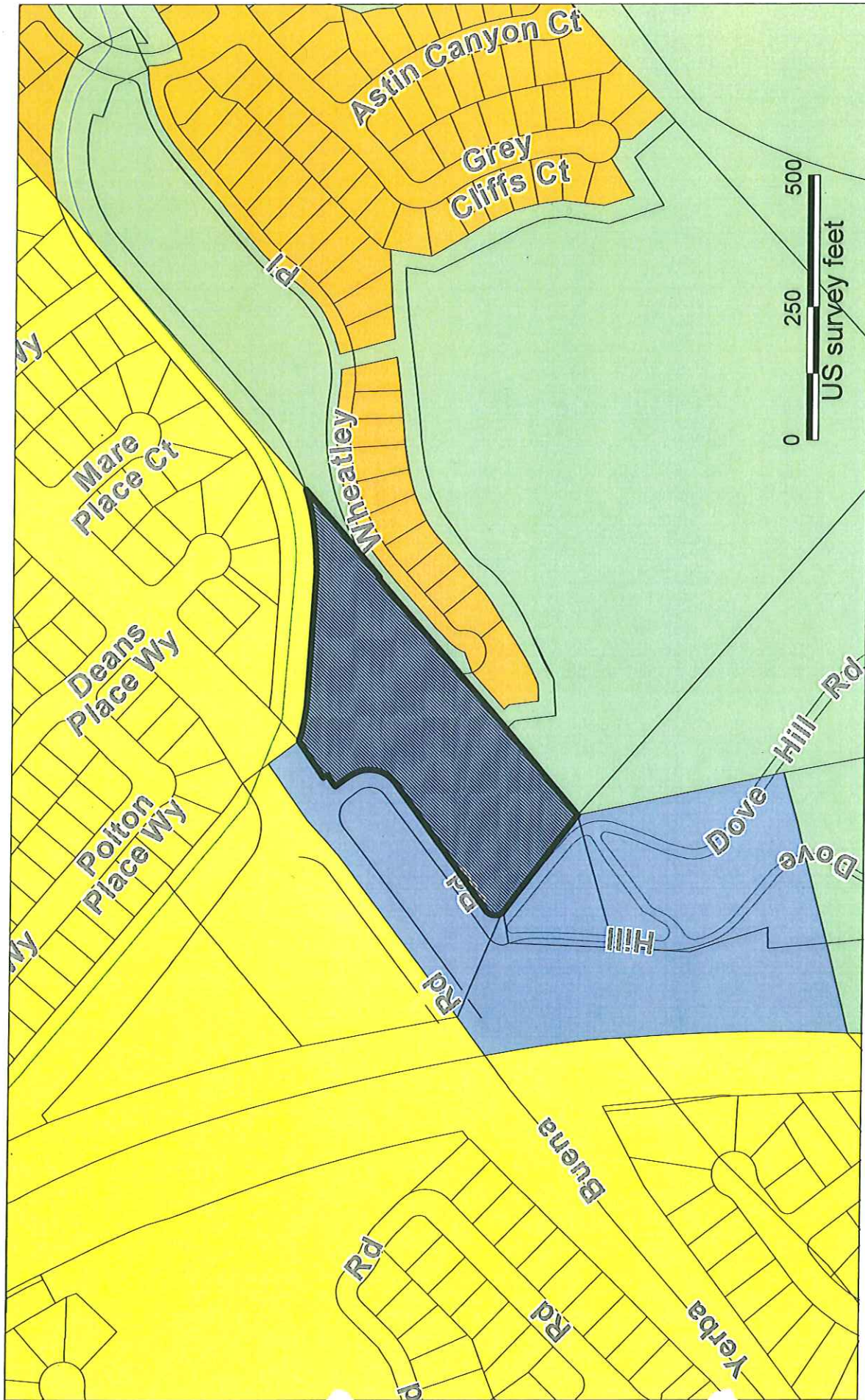
District: 8

Quad No: 101

Noticing Radius: 500 feet

06/09/2009





## Zoning

File No: GP09-08-01

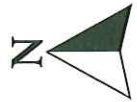
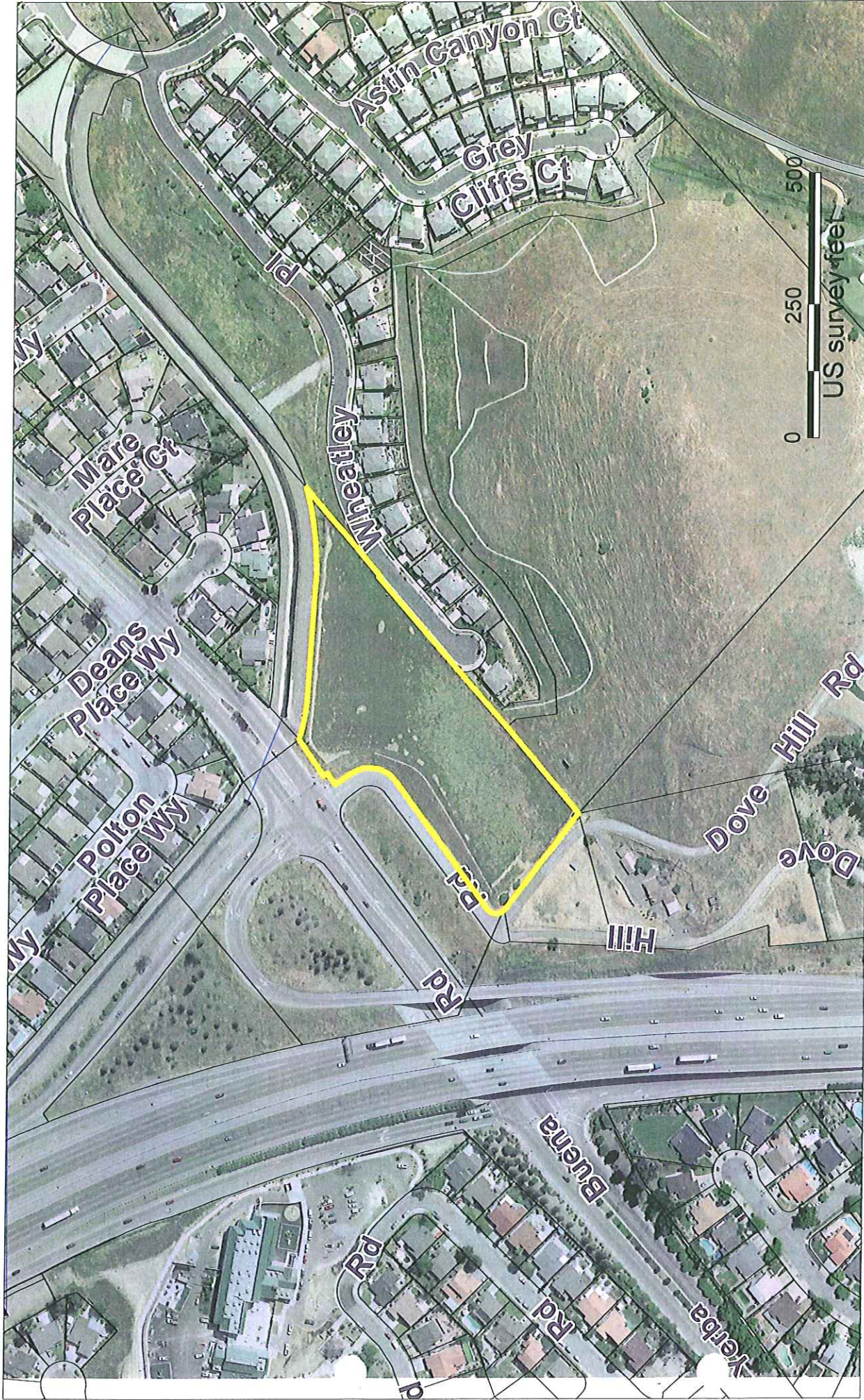
District: 8

Quad No: 101

Noticing Radius: 500 feet

06/09/2009





**AERIAL**

**File No: GP09-08-01**

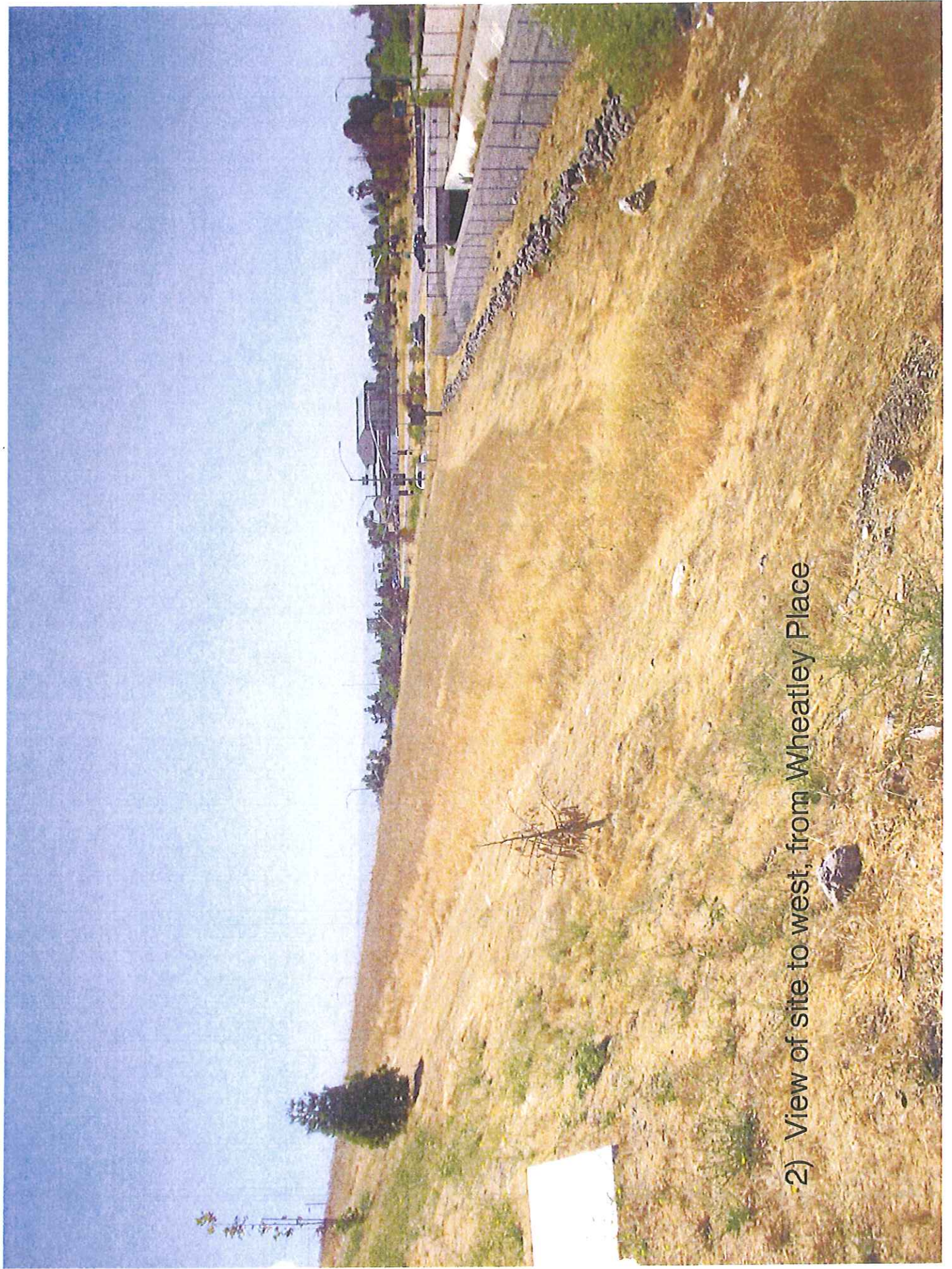
**District: 8**

06/09/2009

Noticing Radius: 500 feet

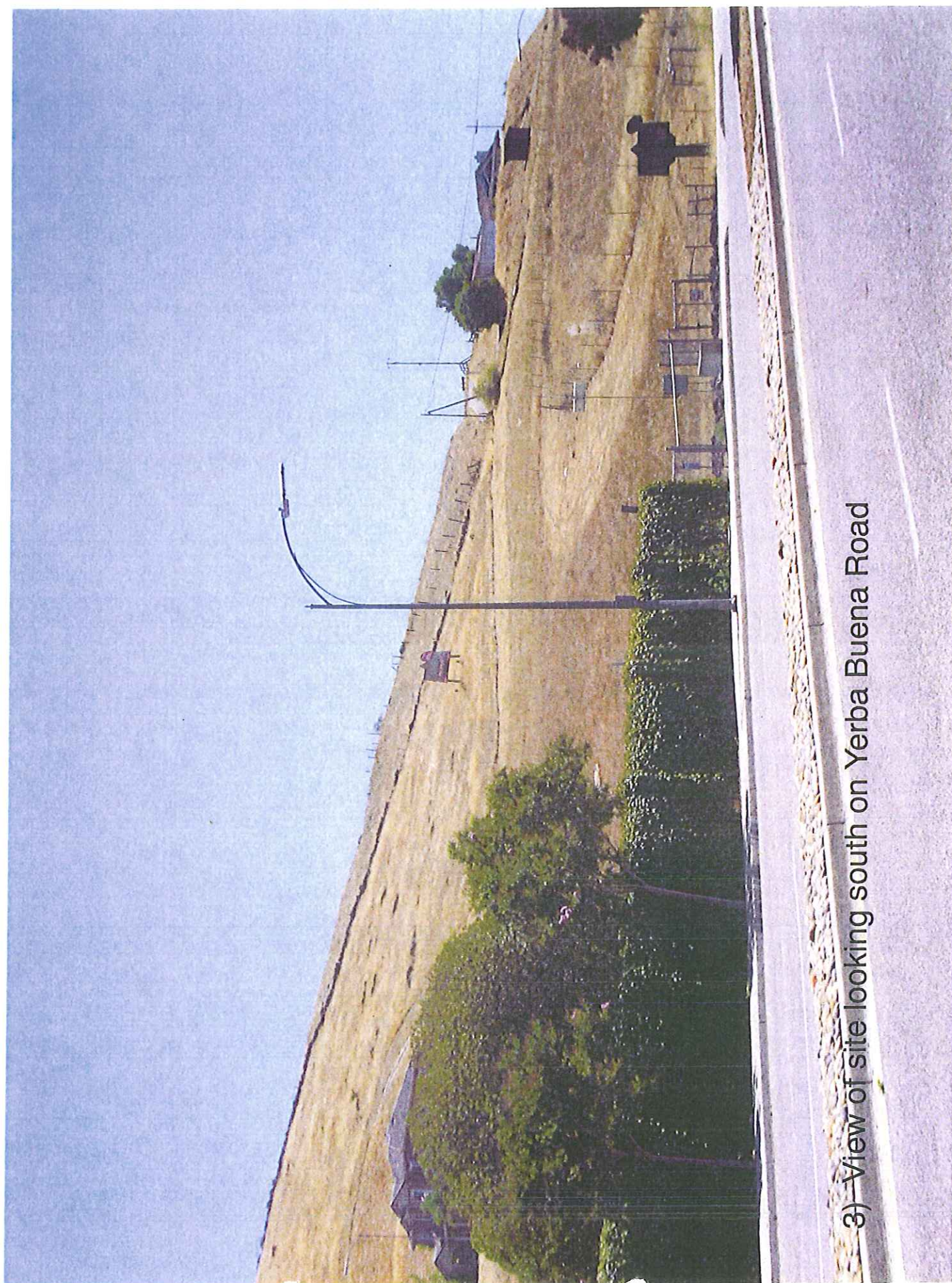
**Quad No: 101**





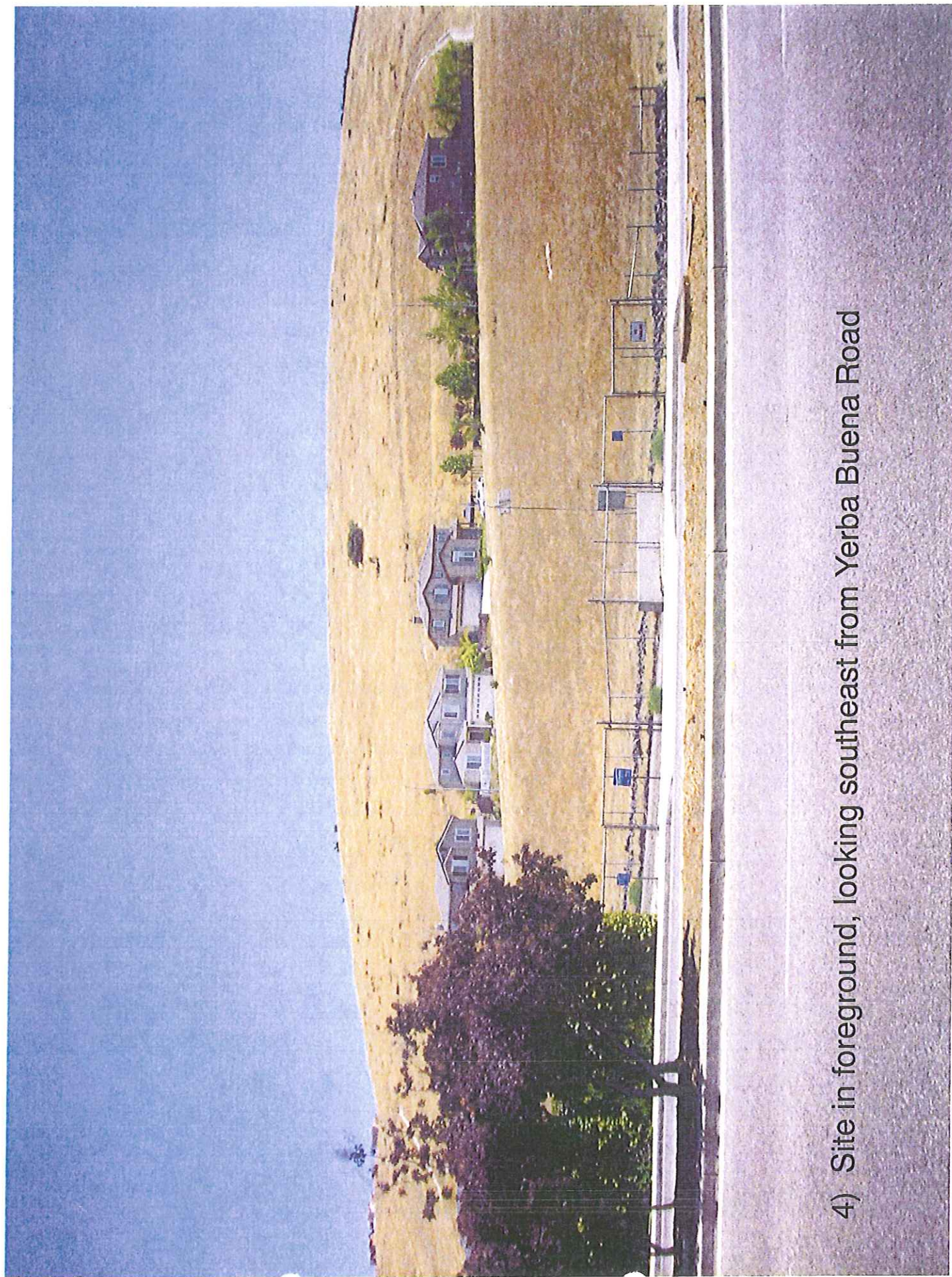
2) View of site to west, from Wheatley Place





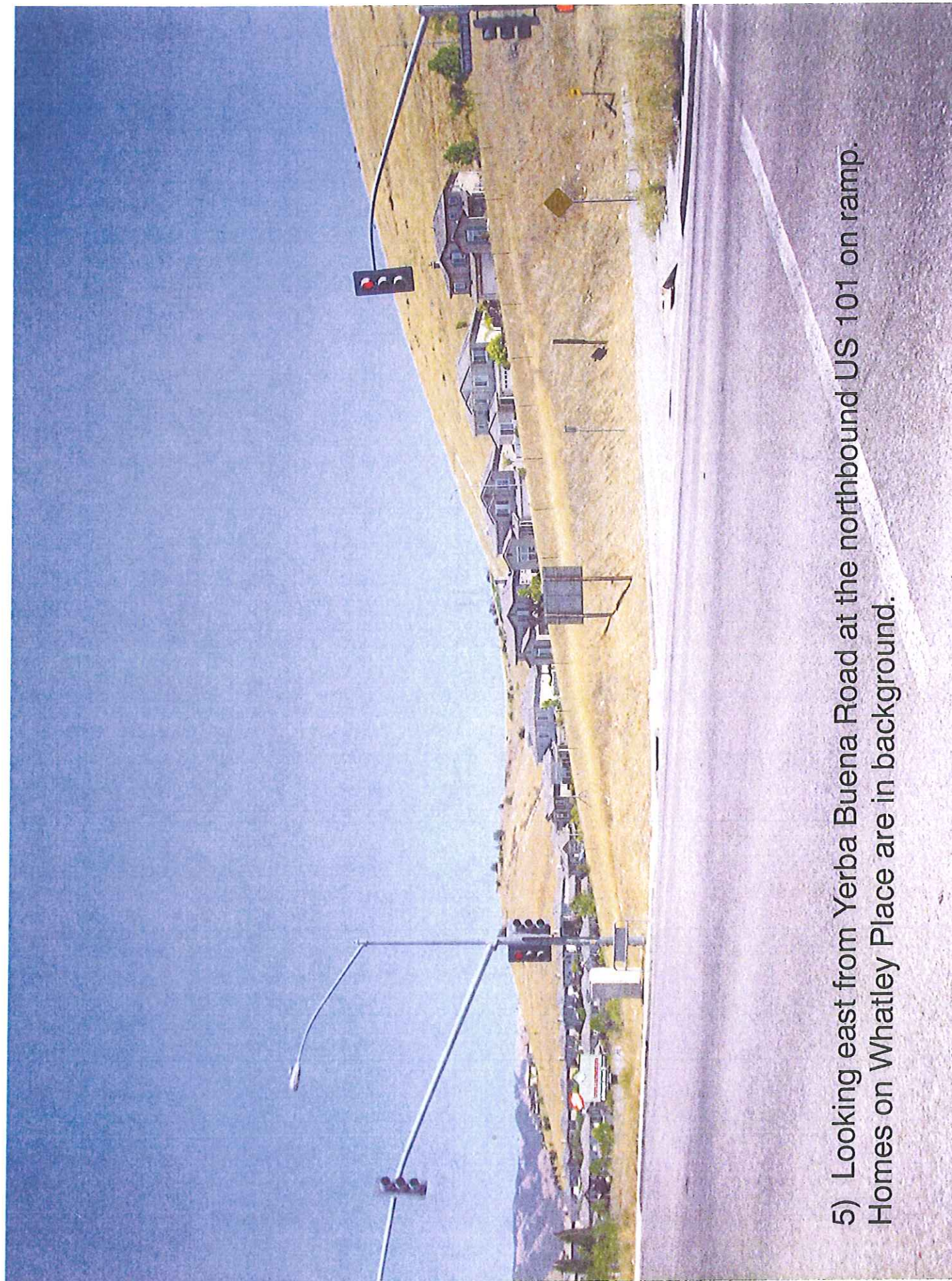
3) View of site looking south on Yerba Buena Road





4) Site in foreground, looking southeast from Yerba Buena Road





5) Looking east from Yerba Buena Road at the northbound US 101 on ramp. Homes on Whatley Place are in background.



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**I. AESTHETICS - Would the project:**

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
e) Increase the amount of shade in public and private open space on adjacent sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

**INTRODUCTION:** Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating visual and aesthetic impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the visual and aesthetic policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Urban Design Policy #1:* Apply Strong Architectural & Site Design Controls on Development
- *Urban Design Policy #2:* Private Development should include Adequate Landscaped Areas
- *Urban Design Policy #7:* Designs should consider Security, Aesthetics and Public Safety
- *Scenic Routes Policy # 1:* Development within Corridors should be designed with the intent of preserving and enhancing attractive natural and man-made vistas.
- *Scenic Routes Policy:* Preserve views of hillsides wherever they occur.
- *Hillside Development Policy #1:* Regardless of the maximum potential residential densities designated by the Land Use/Transportation Diagram for land with a slope of 7% or greater, the City should only allow the development of these lands at densities consistent with the City's objectives of minimizing exposure to environmental hazards, maximizing resource conservation, and achieving compatibility with existing land use patterns.
- *Hillside Development Policy #4:* The City should continue to apply strong architectural and site design controls on all types of hillside development for the protection of the hillsides and to minimize potential adverse visual and environmental impacts.
- *Hillside Development Policy #6:* In general, grading on hillsides should be minimized. When grading or recontouring of the terrain is necessary, it should be designed to preserve the natural character of the hills and to minimize the removal of significant vegetation.
- *Hillside Development Policy #8:* Construction techniques and housing types adaptable to a variable terrain, such as cluster housing, split pads and stepped foundations, should be utilized on sloped sites. Conventional, single flat-pad construction is discouraged.
- *Hillside Development Policy #13:* Development should only be permitted in hillside areas if potential danger to the health, safety, and welfare of the residents, due to landslides, fire, or other environmental hazards, can be mitigated to an acceptable level.



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In addition to the policies of the San José General Plan, future development allowed by the proposed land use designations would be required to comply with the following City policies and guidelines:

- San José Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00)
- San José Residential Design Guidelines

**FINDINGS:** The development of the vacant site consistent with the proposed land use designation would alter the existing visual character of the site and its surroundings as it would allow the construction of up to 25 single-family detached residential units. However, the proposed project would not significantly degrade the existing visual character of the site or create a significant new source of substantial light or glare in that the project would be required to undergo architectural and site design review by Planning Staff to ensure compatibility with the surrounding neighborhood.

Exterior building lighting associated with the new development would likely create a minor increase in the amount of nighttime lighting than the existing land use on the site; however it would not adversely affect views in the area. The project would be required to conform to the City's General Plan Hillside Development Policies, Residential Design Guidelines, and to the standards of the City's Outdoor Lighting Policy. Therefore, less than significant impacts would occur as a result of the project.

**CONCLUSION:** Conformance with the above General Plan Policies and City development guidelines will ensure that aesthetic impacts would be reduced to a less than significant level at the time of future development of the site.

#### **MITIGATION MEASURES TO BE CONSIDERED AT THE TIME OF FUTURE DEVELOPMENT:**

- Comply with the San José Outdoor Lighting Policy (City Council Policy 4-3, as revised 6/20/00), San José Residential Design Guidelines, and the San Jose 2020 General Plan Hillside Development Policies

## **II. AGRICULTURE RESOURCES - Would the project:**

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4

**INTRODUCTION:** Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts resulting from planned development within the City. All



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future development allowed by the proposed land use designations would be subject to the agricultural policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Agricultural Lands and Prime Soils Policy No. 1:* Williamson Act contracts and other forms of property tax relief should be encouraged for agricultural lands in non-urban areas.
- *Agricultural Lands and Prime Soils Policy No. 3:* Appropriate agricultural uses should be encouraged in hillside areas.
- *Agricultural Lands and Prime Soils Policy No. 4:* Preservation of agricultural lands and prime soils in non-urban areas should be fostered in order to retain the aquifer recharge capacity of these lands.

**FINDINGS:** The project site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use. Therefore, the proposed project will not result in a significant impact on the City's or Region's agricultural resources.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that agricultural impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

### III. AIR QUALITY - Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14

**INTRODUCTION:** The City of San José is within the San Francisco Bay Area Air Quality Management District (BAAQMD). The District is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Air quality standards are set by the federal government (the 1970 Clean Air Act and its subsequent amendments) and the state (California Clean Air Act of 1988 and its subsequent amendments). Regional air quality management districts such as the BAAQMD must prepare air quality plans specifying how state standards



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would be met. The BAAQMD's most recently adopted Clean Air Plan (CAP) is the *Bay Area '97 Clean Air Plan*.

In connection with the implementation of the CAP, various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. All future development allowed by the proposed land use designations would be subject to the air quality policies listed in Chapter 4, Goals and Policies, of the General Plan, including the following:

- *Air Quality Policy #1: Establish Appropriate Land Uses & Regulations to Reduce Air Pollution*
- *Air Quality Policy #2: Promote Expansion & Improvement of Public Transportation Services*
- *Air Quality Policy #5: Design Development near Transit Stations to Promote Transit Usage*
- *Air Quality Policy No. 6: The City should continue to actively enforce its ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling to help reduce damage to the global atmospheric ozone layer. The City may consider adopting other policies or ordinances to reinforce this effort.*
- *Transportation Policy #17: Encourage Pedestrian Travel*
- *Transportation Policy #19: Encourage Walking, Bicycling, and Public Transportation*
- *Transportation Policy #23: Street & Sidewalk Designs should Promote Transit Access*
- *Transportation Policy #28: Promote Implementation of Transportation Demand Management*
- *Transportation Policy #51: Develop a Safe & Direct Bicycle Network*

In addition to the policies of the City's General Plan, all future development allowed by the proposed land use designations would be subject to the City's Grading Ordinance, which mandates that all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time.

**FINDINGS:** The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance, projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. As this project will generate approximately 247 vehicle trips per day, no air quality study was prepared for this project.

The project would result in an increase in the number of housing units allowed under the buildout of the General Plan and, thus, would increase population. The source of information on household and employment used in the 200 Bay Area Clean Air Plan (CAP) was the population projections described in the Association of Bay Area Governments (ABAG) *Projections 1998*. The most recently adopted population projections for San Jose are described in ABAG's *Projections 2003*. The land use designation of Medium Low Density Residential (8 DU/AC) would allow development of approximately 25 units on the 3.2 net acre site, or a population increase of approximately 82.5 people, assuming 3.3 persons per dwelling unit. This minor increase in San Jose's population would be consistent with the latest Clear Air planning efforts since it is considered a minor change.



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Temporary Air Quality impacts may result from excavation of soil and other construction activities on the subject site. Implementation of the General Plan Policies listed above will reduce the temporary construction impacts to a less than significant level.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that air quality impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

#### IV. BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10, 25
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6,10, 25
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11, 25
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

**INTRODUCTION:** Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are listed as rare, threatened or endangered under the state and/or federal Endangered Species Act, and the natural communities or habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.



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The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with and complementary to various federal, state, and local laws and regulations that are designed to protect these resources. Many of these regulations mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts, prior to the commencement of development activities. Table 2 summarizes laws and regulations applicable to the proposed project.

<b>Table 2 Regulation of Biological Resources</b>		
<b>Law/Regulation</b>	<b>Objective(s)</b>	<b>Responsible Agencies</b>
Federal Endangered Species Act	Protect endangered species and their habitat and, ultimately restore their numbers to where they are no longer threatened or endangered.	USFWS, NOAA Fisheries
California Endangered Species Act		CDFG
Federal Migratory Bird Treaty Act	Protect migratory birds, including their nests & eggs.	USFWS
California Fish & Game Code Section 3503.5	Protect birds of prey, including their nests & eggs.	CDFG
NOAA = National Oceanic & Atmospheric Administration USFWS = U.S. Fish & Wildlife Service CDFG = California Department of Fish & Game		

In addition to the laws and regulations listed above, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating biological impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the biological policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Woodlands, Grasslands, Chaparral and Scrub Policy #1:* The nature and amount of public access to wooded areas and grasslands, when allowed, should be consistent with the environmental characteristics of these areas.
- *Woodlands, Grasslands, Chaparral and Scrub Policy #3:* The City should cooperate with other agencies in the preservation of hillside vegetation.
- *Woodlands, Grasslands, Chaparral and Scrub Policy #4:* Grading should be designed to minimize the removal of significant vegetation.
- *Woodlands, Grasslands, Chaparral and Scrub Policy #5:* The City should preserve and protect oak woodlands, and individual oak trees, to the greatest extent feasible.
- *Woodlands, Grasslands, Chaparral and Scrub Policy #6:* The City should encourage appropriate reforestation and planting projects in hillside areas.
- *Woodlands, Grasslands, Chaparral and Scrub Policy #8:* Serpentine grasslands, particularly those supporting sensitive serpentine bunchgrass communities of plant and animal species of concern, should be preserved and protected to the greatest extent feasible. When disturbance



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cannot be avoided, appropriate measures should be required to restore, or compensate for loss of serpentine bunchgrass communities or habitat of species of concern.

- *Species of Concern Policy #1:* Consideration should be given to setting aside conservation areas in the Bay and baylands, along riparian corridors, upland wetlands, and hillside areas to protect habitats of unique, threatened and endangered species of plants and animals, and to provide areas for educational and research purposes.
- *Species of Concern Policy #2:* Habitat areas that support Species of Concern should be retained to the greatest extent feasible.
- *Urban Forest Policy #2:* Development projects should include the preservation of ordinance-sized, and other significant trees. Any adverse affect on the health and longevity of native oaks, ordinance sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement. In support of these policies the City should: 1) Continue to implement the Heritage Tree program and the Tree Removal Ordinance. 2) Consider the adoption of Tree Protection Standards and Tree Removal Mitigation Guidelines.
- *Urban Forest Policy #3:* The City encourages the maintenance of mature trees on public and private property
- *Urban Forest Policy #4:* In order to realize the goal of providing street trees along all residential streets, the City should require the planting and maintenance of street trees as a condition of development.
- *Urban Forest Policy #5:* The City should encourage the selection of trees appropriate for a particular urban site. Tree placement should consider energy saving values, nearby powerlines, and root characteristics.
- *Urban Forest Policy #6:* Trees used for new plantings in urban areas should be selected primarily from species with low water requirements.
- *Urban Forest Policy #7:* Where appropriate, trees that benefit urban wildlife species by providing food or cover should be incorporated in urban plantings.
- *Urban Forest Policy #8:* Where urban development occurs adjacent to natural plant communities (e.g. oak woodland, riparian forest), landscape plantings should incorporate tree species native to the area to the greatest extent feasible.
- *Urban Design Policy #23:* New development projects should include the preservation of ordinance-sized and other significant trees. Any adverse affect on the health and longevity of such trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

**FINDINGS:** A biological assessment was completed for the property between the years 1999 and 2001. This assessment covered a 7.2 acre site. The subject site is a smaller 3.2 acres within that larger area. During the time of the assessment, the subject site was within the U.S. Fish and Wildlife Service Critical Habitat Map for the Bay Checkerspot Butterfly. However, since 2001 the Critical Habitat Map has been updated and the subject site no longer falls within the butterfly's critical habitat. The subject site is also now outside of Critical Habitat Unit 5 map. The Santa Clara Valley Dudleya (a federally listed endangered species) and populations of Dwarf Plantain, a known host plant for the larvae of the Bay Checkerspot Butterfly, were identified on the larger site, but are located outside of the 3.2 acre subject site, which avoids any impact to the Santa Clara Valley Dudleya and avoids approximately 95 percent of the Dwarf Plantain.



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During the 1999 to 2001 assessment time, the California Tiger Salamander was not a federally listed species. Since 2001, the California Tiger Salamander has been federally listed as a “species of concern”. At the time of the assessment, the subject site did not provide any breeding habitat for the California Tiger Salamander.

In addition, there are currently no trees on the site and the request for a change in land use designation on the site will not result in the removal of any ordinance-sized trees.

### **Burrowing Owls**

The burrowing owl is a small, terrestrial owl that occurs in annual and perennial grasslands, deserts and scrublands with low growing vegetation. Suitable owl habitat may also include trees and shrubs if the canopy does not cover more than 30 percent of the ground surface. Burrows, which provide protection, shelter and nests for burrowing owls, represent an essential component of this species’ habitat. Burrowing owls typically use burrows made by fossorial (burrowing) animals, such as ground squirrels or badgers, but they will also use man made structures such as culverts, or openings beneath cement, asphalt paving or debris piles. Burrowing owls use such sites for breeding, wintering, foraging and migration stopovers. Occupancy of suitable habitat may be verified by observations of one or more burrowing owls on the site or by the presence of owl feathers, cast pellets (or prey remains), eggshell fragments or excrement in or near a burrow entrance. Burrowing owls are protected under a variety of state and federal laws including the Migratory Bird Treaty Act and the State Fish and Game Code as a “Species of Special Concern”. At the time of the 2001 biological assessment no suitable burrows were present on the subject site.

### **Habitat Conservation Plan (HCP)**

To promote the recovery of endangered species while accommodating planned development, infrastructure and maintenance activities, the Local Partners, consisting of the City of San Jose, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, Santa Clara County and the cities of Gilroy and Morgan Hill, are preparing a joint Habitat Conservation Plan/Natural Community Conservation Plan (Habitat Plan). The Santa Clara Valley Habitat Plan (Plan) is being developed in association with the U.S. Fish & Wildlife Service (USFWS), California Department of Fish & Game (CDFG), and the National Marine Fisheries Service (NMFS) and in consultation with stakeholder groups and the general public to protect and enhance ecological diversity and function within more than 500,000 acres of southern Santa Clara County.

The Santa Clara Habitat Plan Planning Agreement outlines the Interim Project Process to ensure coordination of projects approved or initiated in the Planning Area before completion of the Habitat Plan to help achieve the preliminary conservation objectives of the plan, and not preclude important conservation planning options or connectivity between areas of high habitat values. The Interim Project Process requires the local participating agencies to notify the wildlife agencies (DFG and USFWS) of projects that have the potential to adversely impact Covered Species, natural communities, or conflict with the preliminary conservation objectives of the Habitat Plan. The Wildlife Agencies comments on Interim Projects should recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives of the Habitat Plan.



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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The proposed General Plan Amendment has been referred to the California Department of Fish & Game (CDFG) and the U.S. Fish & Wildlife Service (USFWS) for comments, but to date, no comments have been received.

**CONCLUSION:** Conformance with all of the above General Plan Policies will ensure that biological impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

**MITIGATION MEASURES TO BE CONSIDERED AT THE TIME OF FUTURE DEVELOPMENT:**

- Prior to any site grading or development, the special-status plant surveys should be updated as not all plants bloom every year and many plants need certain conditions in order to flower. These surveys would need to be completed in the spring months when the special-status plants known from the area would be flowering.
- Two fragrant fritillary plants were observed on the site during the 2001 survey and would be impacted by the development of the site. This impact can be avoided by relocating these plants (which grow from bulbs) to suitable protected habitat on or off the project site.

**Burrowing Owls**

- A pre-construction survey for burrowing owls shall be conducted by a qualified biologist within 30 days prior to any ground disturbance activities.
- A buffer zone of a minimum of 250 feet shall be established around active burrowing owl nesting sites if nesting burrowing owls are discovered during pre-construction surveys conducted between February 1<sup>st</sup> and August 31<sup>st</sup>, and no disturbance shall occur within the buffer zone until a qualified biologist has determined that the young birds have fledged; and at least 6.5 acres of foraging habitat contiguous with the occupied burrow site shall be protected for each pair of breeding burrowing owls (with or without dependent young) or single unpaired resident bird.
- No disturbance shall occur within 160 feet of occupied burrows if over-wintering burrowing owls are discovered using the site during the non-breeding season (September 1<sup>st</sup> through January 31<sup>st</sup>).
- If any burrowing owls are discovered using the site during the pre-construction surveys during the non-breeding season, a burrowing owl relocation plan to be approved by the California Department of Fish and Game shall be developed and implemented, including passive measures such as installation of one-way doors in active burrows for up to four days, careful excavation of all active burrows after four days to ensure no owls remain underground, and filling all burrows in the construction area to prevent owls from using them.
- A biologist report outlining the results of the pre-construction burrowing owl surveys and recommended buffer zones or other mitigation shall be submitted to the satisfaction of the City's Environmental Principal Planner prior to the issuance of a grading permit.



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**V. CULTURAL RESOURCES - Would the project:**

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7,29
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8,29
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8

**INTRODUCTION:** Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating cultural resource impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the Historic, Archaeological and Cultural Resources policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Historic, Archaeological and Cultural Resources Policy #1:* Preservation of historically or archaeologically significant sites should be a key consideration in the development review process.
- *Historic, Archaeological and Cultural Resources Policy #8:* For archaeologically sensitive sites, the City should require investigation during the planning process and should also require that appropriate mitigation measures be incorporated into the project design.
- *Historic, Archaeological and Cultural Resources Policy #9:* Requirement on all development permits and tentative subdivision maps that upon discovery of Native American burials development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

**FINDINGS:** The project site does not contain any structures and is not located within an archaeologically sensitive area.

The subject site does contain two rock features: a Sandstone rock wall and a Serpentine and Metamorphic rock wall, circa 1850s-1870. These features are not currently listed on the City's Historic Resources Inventory. Although the Sandstone rock wall feature appears incomplete and unfinished, it is in fair condition and has the capacity to convey important information about the local historical patterns. The Serpentine and Metamorphic rock wall completely lacks integrity due to damage or removal of parts of the wall, and does not by itself qualify for listing on the California Register of Historic Resources. However, this rock feature is a part of the larger complex of Cottle Stone Fences, which appears to qualify for inclusion in the California Register of Historic Resources. However, the two rock features on the project site do not appear to be eligible for the California Register of Historic Resources or the National Register of Historic Places due to lack of integrity. The rock features do qualify for listing on the City's Historic Resources Inventory as a 'Contributing Structure', according to the City of San Jose Historic Evaluation Criteria, as part of the Cottle Stone Complex.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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The historic evaluation report recommends that in order to mitigate impacts to this recorded cultural resource, the project should retain the Sandstone rock wall, and incorporate new and/or rebuilt portions of the Serpentine and Metamorphic rock wall into the landscaping on the property. The report also recommends that future development on the project site should take into consideration placing a historical plaque/sign on the project site describing the Cottle Stone Fence site and its significance to the local area. The plaque/sign should contain a written description prepared by a qualified historian or cultural resource specialist. Photo documentation and an historic interpretation of the Cottle Stone Fences, written by a qualified historian or cultural resource specialist, site is recommended. The impacts to the historic resources will be less than significant with this documentation for the Serpentine and Metamorphic rock wall feature and preservation of the Sandstone rock wall.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that cultural resources impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

**MITIGATION MEASURES TO BE CONSIDERED AT THE TIME OF FUTURE DEVELOPMENT:**

- The project should be conditioned to take preventive and mitigation measures if any archeological resources are found during the site excavation, grading, and construction activities.
- The Sandstone rock wall feature should be preserved with the project. The Serpentine and Metamorphic rock wall feature would likely be destroyed to facilitate the project. Loss of Serpentine and Metamorphic rock wall feature shall be mitigated by a historic interpretation of Cottle Stone Fences written by a qualified historian or cultural resource specialist of that feature on the site. With this mitigation for Serpentine and Metamorphic rock wall feature and preservation of Sandstone rock wall, the impacts to the historic resources will be less than significant.

**VI. GEOLOGY AND SOILS - Would the project:**

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24, 26,30



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24, 26,30
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24

**INTRODUCTION:** Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating geology and soil impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the geology and soil policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Soils and Geologic Conditions Policy #1:* Development should be required to evaluate and mitigate for geologic hazards.
- *Soils and Geologic Conditions Policy #6:* Development should adequately mitigate soils and geologic hazards.
- *Soils and Geologic Conditions Policy #8:* Development should not cause or be affected by geological hazards on adjoining properties.
- *Earthquake Policy #1:* New buildings required to be designed and constructed to resist stress produced by earthquakes.
- *Earthquake Policy #3:* Approval of development requires mitigation of seismic hazards
- *Earthquake Policy #5:* New development should be required to evaluate and mitigate for seismic hazards.
- *Hillside Development Policy #14:* Hillside development should be required to evaluate and mitigate for geologic hazards.
- *Hillside Development Policy #17:* In hillside areas susceptible to erosion, appropriate control measures should be required in conjunction with proposed development.
- *Hazards Policy #1:* Development should only be permitted in those areas where potential danger to the health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.
- *Hazards Policy #2:* Levels of "acceptable exposure to risk" established for land uses and structures based on descriptions of land use groups and risk exposure levels are outlined in Figure 15, "Acceptable Exposure to Risk Related to Various Land Uses", and should be considered in the development review process.
- *Hazards Policy #4:* The City should continue updating, as necessary, the San José Building Code and Fire Prevention Code to address geologic, fire and other hazards.

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- *Hazards Policy #5:* The City should promote awareness and caution among San José residents regarding possible natural hazards, including soil conditions, earthquakes, flooding, and fire hazards.

**FINDINGS:** The project site is located within the seismically active San Francisco region, which requires that any building be designed and built in conformance with the requirements of the applicable Uniform Building Code for Seismic Zone 4. Due to the sites location within a seismically active region, the project site would likely be subject to at least one moderate to major earthquake that could affect the project after construction. The site would be subject to strong ground shaking in the event of a major earthquake on one of the region's active faults.

A geotechnical investigation was completed on the site in 1999, and an update as to the conditions of the site today was competed in January 2010. The update found that the condition of the site has not changed since 1999.

The potential for liquefaction on the site is considered low as the geotechnical investigation encountered stiff to very stiff clays overlying bedrock in their exploratory test pits. However, any proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. Therefore, this impact is considered less than significant.

The investigation concluded that based on the data collected the site may be developed provided that the recommendations are incorporated in to the design and construction. The recommendations include measures for excavation, slope stability, foundation bearing materials, presence of expansive soils, potential for asbestos in serpentine bedrock, and existing on-site fills.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that geology and soils impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

#### **MITIGATION MEASURES TO BE CONSIDERED AT THE TIME OF FUTURE DEVELOPMENT:**

- The project will be required to obtain a Geologic Hazards Clearance prior to the approval of a rezoning of the site.
- The project will be required to include standard and special engineering techniques as specified in the geologic and geotechnical investigation reports to the satisfaction of the City Project Engineer and City Geologist.



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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### VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,30
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,12
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**INTRODUCTION:** Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

Due to the fact that these substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. Table 3 summarizes many of these regulations.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**Table 3  
Regulation of Hazardous Materials**

<b>Agency</b>	<b>Responsibilities</b>
U.S. Environmental Protection Agency (EPA)	Oversees Superfund sites; evaluates remediation technologies; develops standards for hazmat disposal & cleanup of contamination; implements Clean Air & Clean Water Acts.
U.S. Department of Transportation (DOT)	Regulates and oversees the transportation of hazardous materials.
U.S. Occupational Safety & Health Administration (OSHA)	Implements federal regulations and develops protocol regarding the handling of hazmat for the protection of workers.
CA Department of Toxic Substances Control (DTSC)	Authorized by EPA to implement & enforce various federal hazmat laws & regulations; implements state hazmat regulations; oversees remediation of contamination at various sites.
CA Occupational Safety & Health (Cal-OSHA)	Implements state regulations and develops protocol regarding the handling of hazmat for the protection of workers.
CA Air Resources Board/Bay Area Air Quality Management District (BAAQMD)	Regulates emissions of toxic air contaminants & requires public dissemination information regarding the risk of such emissions.
CA Water Resources Control Board/Regional Water Quality Control Board (RWQCB)	Regulates the discharge of hazmat to surface and ground waters; oversees remediation of contamination at various sites.
Santa Clara County Department of Environmental Health (SCCDEH)	Oversees & enforces state/local regulations pertaining to hazardous waste generators and risk management programs, including the California Accidental Release Program.
City of San José Fire Department (SJFD)	Implements City's Toxic Gas and Hazardous Material Storage Ordinances; requires businesses that use or store hazmat to prepare a management plan; regulates installation & removal of above- and below-ground storage tanks; reviews plans for compliance with the Uniform Fire and the Flammable & Combustible Liquids Codes.

In addition to the above regulations, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the City. All future development allowed by the proposed land use designation changes will be subject to the hazards and hazardous materials policies and the soils and geologic conditions policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Hazardous Materials Policy #1:* Require proper storage and disposal of hazardous materials.
- *Hazardous Materials Policy #3:* Evaluate soil and groundwater contamination when considering proposals for new development.



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- *Hazardous Materials Policy #4:* Development located within areas containing naturally occurring asbestos should be required to mitigate any potential impacts associated with grading or other subsurface excavation.
- *Fire Hazards Policy #3:* Development adjacent to grassed and semi-arid hillsides should be designed to minimize hazards from wildland fires.
- *Fire Hazards Policy #6:* Development should provide for adequate emergency access and emergency evacuation routes.
- *Soils and Geologic Conditions Policy #1:* The City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landholdings, mudsliding, erosion and sedimentation in order to determine if these hazards can be adequately mitigated.
- *Soils and Geologic Conditions Policy #2:* The City should not locate public improvements and utilities in areas with identified soils and/or geologic hazards to avoid any extraordinary maintenance and operating expenses. When the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures should be implemented.
- *Soils and Geologic Conditions Policy #5:* The Development Review process should consider the potential for any extraordinary expenditures of public resources to provide emergency services in the event of a man-made or natural disaster.
- *Soils and Geologic Conditions Policy #9:* Residential development proposed on property formerly used for agricultural or heavy industrial uses should incorporate adequate mitigation/remediation for soils contamination as recommended through the Development Review process.

**FINDINGS:** The project site does not contain hazardous materials nor is it listed on the State of California toxic sites listing. However, the Geotechnical Investigation determined that the site is underlain with serpentine bedrock and that other projects in the area have been found to contain asbestos fibers, which are considered a health hazard.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that hazards and hazardous material impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

**MITIGATION MEASURES TO BE CONSIDERED AT THE TIME OF FUTURE DEVELOPMENT:**

- Further testing of the serpentine bedrock should be performed prior to any construction on the site to identify if asbestos is present.

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### VIII. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,15, 28
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,17
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**INTRODUCTION:** The discharge of stormwater from the City's municipal storm sewer system is regulated primarily under the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements these regulations at the regional level. New construction in San Jose is subject to the conditions of the City's NPDES Permit, which was reissued by the RWQCB in February 2001. Additional water quality control measures were approved in October 2001 (revised in 2005), when the RWQCB adopted an amendment to the NPDES permit for Santa Clara County. This amendment, which is commonly referred to as "C3" requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling one acres or more to 1) include storm water treatment measures; 2) ensure that the



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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treatment measures be designed to treat an optimal volume or flow of storm water runoff from the project site; and 3) ensure that storm water treatment measures are properly installed, operated and maintained.

The City has developed a policy that implements Provision C.3 of the NPDES Permit, requiring new development projects to include specific construction and post-construction measures for improving the water quality of urban runoff to the maximum extent feasible. The City's Post-Construction Urban Runoff Management Policy (6-29) established general guidelines and minimum Best Management Practices (BMPs) for specified land uses, and includes the requirement of regular maintenance to ensure their effectiveness. Later, the City adopted the Post-Construction Hydromodification Management Policy (8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to local rivers, streams and creeks. Implementation of these Policies will reduce potential water quality impacts to less than significant levels.

In addition to the regulations and City policies above, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts resulting from planned development within the City. All future development addressed by this Initial Study will be subject to the hydrologic policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Level of Service Policy #12*: New projects should be designed to minimize damage due to stormwater and flooding.
- *Water Resources Policy #12*: Require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.
- *Flooding Policy #1*: New development should be designed to provide protection from impacts of the 100-year flood.
- *Flooding Policy #7*: Development should provide adequate flood control retention facilities.

**FINDINGS:** Based on the FEMA flood insurance maps for the City of San Jose, the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows. The project would not expose people to flood hazards associated with the 100-year flood. The site is not subject to seiche or tsunami. Based on the Santa Clara Valley Water District records, there are not any registered wells on the subject site.

The proposed project is 3.2 acres in size. The site is currently undeveloped and has no impervious surfaces. The proposed change in the land use designation will allow for residential development on the site. Should a project be proposed to redevelop the site with new single-family residences the square footage of impervious surface would increase. If development is proposed on the site, it shall comply with the City's Post-Construction Urban Runoff Management Policy (6-29) and the City's Post-Construction Hydromodification Management Policy (8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to local rivers, streams and creeks. Implementation of these Policies will reduce potential water quality impacts to less than significant levels.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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In addition, the project shall comply with the City of San Jose's Grading Ordinance, including erosion and dust controls during site preparation, and the City of San Jose's Zoning Ordinance requirement of keeping adjacent streets free of dirt and mud during construction.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that hydrology and water quality impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

**IX. LAND USE AND PLANNING - Would the project:**

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

**INTRODUCTION:** Many of the policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating land use impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the land use policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Balanced Community Policy #2:* Construct a variety of housing densities/types.
- *Residential Land Use Policy #1:* Provide adequate services and facilities.
- *Residential Land Use Policy #5:* Mitigation of hazards.
- *Residential Land Use Policy #9:* Neighborhood character and identity and compatibility of land uses.
- *Residential Land Use Policy #11:* Provide for adequate open space/recreation.
- *Residential Land Use Policy #20:* Maximize energy efficiency.
- *Residential Land Use Policy #24:* Create pedestrian-friendly environment.
- *Neighborhood Identity Policy #1:* Neighborhood groups should have input to the decision-making process in City government.
- *Neighborhood Identity Policy #3:* Development should be designed to improve the character of existing neighborhoods.
- *Urban Design Policy #1:* Apply strong architectural and site design controls.
- *Urban Design Policy #2:* Private development should include adequate landscaped areas.
- *Urban Design Policy #10:* Limits on building height.
- *Hillside Development Policy #1:* Regardless of the maximum potential residential densities designated by the Land Use/Transportation Diagram for land with a slope of 7% or greater, the City should only allow the development of these lands at densities consistent with the City's



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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objectives of minimizing exposure to environmental hazards, maximizing resource conservation, and achieving compatibility with existing land use patterns.

- *Hillside Development Policy #4:* The City should continue to apply strong architectural and site design controls on all types of hillside development for the protection of the hillsides and to minimize potential adverse visual and environmental impacts.
- *Hillside Development Policy #6:* In general, grading on hillsides should be minimized. When grading or recontouring of the terrain is necessary, it should be designed to preserve the natural character of the hills and to minimize the removal of significant vegetation.

In addition to the policies of the San José General Plan, future development allowed by the proposed land use designations would be required to comply with the San José Residential Design Guidelines, which includes parameters for setbacks, building design, landscaping, screening, and lighting, all of which are factors in ensuring land use compatibility.

**FINDINGS:** Projects that have the potential to physically divide an established community include new freeways and highways, major arterials streets, and railroad lines. The proposed General Plan Amendment would allow for the development of infill housing adjacent to an existing residential neighborhood, and would therefore not physically divide an established community but rather provide a completion of that community. The proposed project will be subject to architectural and site design review by the City at the Planned Development Permit stage. Such review will include conformance with the City's adopted Residential Design Guidelines. The Guidelines are intended to ensure that new development is compatible with existing neighborhood character and does not adversely impact neighboring residential uses. A less than significant impact would occur as a result of the project.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that land use and planning impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

**X. MINERAL RESOURCES - Would the project:**

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23

**INTRODUCTION:** Many of the policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating mineral resource impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the land use policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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- *Extractive Resources Policy #1:* When urban development is proposed on lands which have been identified as containing economically usable extractive resources, the value of such resources should be taken into consideration.
- *Extractive Resources Policy #2:* The City encourages the conservation and development of SMARA-designated mineral deposits wherever feasible.
- *Extractive Resources Policy #3:* In making land use decisions involving areas which have a SMARA designation of regional significance, at the time of consideration of such decision, the City should, in balancing mineral values against alternative land uses, consider the importance of these minerals to their market region as a whole and not just their importance to San José.
- *Extractive Resources Policy #4:* The quarrying of economically usable resources, including sand and gravel, should be carefully regulated to mitigate potential environmental effects such as dust, noise and erosion.
- *Extractive Resources Policy #5:* When approving quarrying operations, the City should require the preparation and implementation of reclamation plans for the contouring and revegetation of sites after quarrying activities cease.

**FINDINGS:** Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated: the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials.

The project site is outside of the Communications Hill area, and will therefore not result in a significant impact from the loss of availability of a known mineral resource.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that mineral resource impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

#### **XI. NOISE - Would the project result in:**

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,13,18
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**INTRODUCTION:** Because excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The City of San José's General Plan contains goals and policies, which pertain to desired noise levels for various land uses located within the City.

The General Plan cites long-term and short-term exterior  $L_{dn}$  goals for residential uses of 55 dBA and 60 dBA, respectively. Outdoor uses on sites where the  $L_{dn}$  is above 60 dBA should be limited to acoustically protected areas. The General Plan also distinguishes between noise from transportation sources and noise from non-transportation (i.e., stationary) sources. The short-term exterior noise goal is 60 dBA  $L_{dn}$  for transportation sources. For stationary sources, the exterior noise goal is 55 dBA  $L_{dn}$  at the property line between sensitive land use (e.g., residences, schools, libraries, hospitals, etc.) and non-sensitive land use (e.g., industrial, commercial, etc.)

The above noise goals notwithstanding, the General Plan specifically recognizes that these goals may not be achieved within the timeframe of the General Plan in certain areas of the City that are affected by noise from aircraft, railroads, and roadway traffic. It should be noted, however, that the maximum exterior noise level necessary to avoid significant adverse health effects is 76 dB  $L_{dn}$ .

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating noise impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the noise policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Noise Policy #1:* City's short- and long-term noise objectives.
- *Noise Policy #8:* Use of outdoor appliances, air conditioners, & other consumer products.
- *Noise Policy #9:* Reduction of noise during construction.
- *Urban Design Policy #18:* Implement sound attenuation into new development.

In addition to the above General Plan policies, future development allowed by the proposed land use designations would be subject to the following codes, guidelines, and ordinances:

- San José Municipal Code §20.100.450: Limits construction hours within 500 feet of residences to 7 AM - 7 PM weekdays, with no construction on weekends or holidays
- Title 24 of the State Building Code: Multi-family buildings must be designed to achieve an interior  $L_{dn}$  of 45 dBA or less in all habitable residential areas.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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- San José Residential Design Guidelines: Specifies setbacks from non-residential uses in order to minimize land use conflicts, including excessive noise.
- City of San José Zoning Ordinance: The City Zoning Ordinance applies specific noise standards to Residential Zoning Districts, which limits the sound pressure levels generated by any use or combination of uses at any property line to a maximum noise level of 55 dBA.

**FINDINGS:** The San Jose 2020 General Plan states that the City's acceptable exterior noise level is 55 dBA long term, and 60 dBA short term. The acceptable interior noise level is 45 dBA. The plan recognizes that the noise levels may not be achieved in the Downtown, and in the vicinity of major roadways and the Mineta San Jose International Airport.

The exterior noise level at the site is between 75 and 79 dBA due to the sites close proximity to Highway 101. Acoustical studies will be required at the project design-level to determine any project-specific noise impacts resulting from future development.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that noise impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

**MITIGATION MEASURES TO BE CONSIDERED AT THE TIME OF FUTURE DEVELOPMENT:**

- At the project design stage of the development process, an acoustical analysis will be required to ensure that noise levels will conform to the San Jose General Plan noise guidelines (modify as warranted to explain how mitigation will avoid noise impacts). Conformance with General Plan noise policies will ensure that noise impacts will be reduced to a less than significant level.

**XII. POPULATION AND HOUSING - Would the project:**

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**FINDINGS:** The current land use designation on the subject property is Public/Quasi-Public, which does not have the potential for allowing residential dwelling units on the site. The proposed land use designation of Medium Low Density Residential (8 DU/AC) will potentially allow up to 25 dwelling units on the site, which is an increase from the existing designation. However, this increase in density will not induce substantial growth into the area because the site is located within an urbanized area.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**MITIGATION MEASURES:** None required.

### **XIII. PUBLIC SERVICES**

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

**INTRODUCTION:** All future development allowed by the proposed land use designation changes will be subject to the following state law and City ordinances that offset the demand created by residential development upon schools and parkland, respectively:

- State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to the issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school impacts under the Government Code, including setting the school impact fee amount consistent with state law.
- The City of San José Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO) require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project in the City is required to conform to both the PDO and PIO.

Various policies in the City's General Plan have been adopted for the purpose of maintaining a level of service to existing and planned development within the City. All future development allowed by the proposed land use designations would be subject to the Goals and Policies, of the City's General Plan, including the following:

- Level of Service Policy #1:* The City's urban service delivery priorities should be ordered as follows: (1) Provide services and facilities designed to serve existing needs, (2) Prevent the deterioration of existing levels of service, and (3) Upgrade City service levels, when feasible.
- Level of Service Policy #2:* Capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by the affected property owners.

- *Level of Service Policy #3:* The Urban Service Area should not be expanded without taking into consideration the funding necessary to adequately provide for the long term, without degrading services in the existing urban areas, for all City services and facilities including operations and maintenance required by the development anticipated in the area proposed for expansion.
- *Level of Service Policy #4:* The City should be proactive in promoting consolidation of overlapping services between governmental jurisdictions where it would increase efficiency and quality of service delivery, both Countywide and regionally.
- *Schools Policy #20:* The City supports a system of open communication between the City, the public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public school students.
- *Schools Policy #21:* Residential development should be approved only in conformance with the School Facility Availability Ordinance and City Council Policy. The City encourages school districts and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures. These discussions should occur as early as possible in the project planning stage, preferably immediately preceding or following land acquisition.
- *Schools Policy #22:* The City should cooperate with school districts in identifying and evaluating the impacts of population and demographic changes which may affect the need for new schools, may lead to school closures, may require the re-opening of closed schools or may lead to the decision that existing school sites should be preserved for meeting future needs.
- *Schools Policy #23:* The City should support legislative efforts to create suitable and adequate means of financing the construction of school facilities needed for a growing population.
- *Schools Policy #24:* The City and school districts should cooperate in the joint planning, development, and use of public school facilities combined with other public facilities and services, such as open space, recreation facilities, libraries, fire stations, and community service/ programs. The City should provide all pertinent information on General Plan amendments, rezonings and other development proposals to all affected school districts in a timely manner.
- *Schools Policy #25:* The City should encourage the use of available school facilities for child care purposes.
- *Fire Hazards Policy No. 2:* All new development should be constructed, at a minimum, to the fire safety standards contained in the San José Building Code.
- *Fire Hazards Policy No. 3:* New development adjacent to heavily grassed and semi-arid hillsides should be designed and located to minimize fire hazards to life and property, including the use of such measures as fire preventive site design, landscaping and building materials, and the use of fire suppression techniques, such as sprinklering.
- *Fire Hazards Policy No. 5:* Anticipated fire response times and fire flows should be taken into consideration as a part of the Development Review process.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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- *Fire Hazards Policy No. 6:* New development should provide adequate access for emergency vehicles, particularly fire fighting equipment, as well as provide secure evacuation routes for the inhabitants of the area.

**FINDINGS:** The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities. The site is served by Fire Station No. 24 located at 2525 Aborn Road, which is within 3.8 miles of the subject site. No additional Fire or Police personnel or equipment are necessary to serve the proposed project.

As required by California Government Code Section 53080, the project will be required to pay a school impact fee for residential development to offset the increased demands on school facilities caused by the project. Therefore, the project will have a less than significant impact on school facilities.

There is one developed park within walking distance (0.7 miles) of the project site. Dove Hill Park is located at Carick Way and Ravens Place Way and contains a playground and three BBQ pits.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that public service impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

#### **XIV. RECREATION**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

**INTRODUCTION:** All future development allowed by the proposed land use designation changes will be subject to the City of San José Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO). These ordinances require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project in the City is required to conform to both the PDO and PIO.

- *Parks and Recreation Policy #1:* The City should consider as an objective the provision of neighborhood or community park within reasonable walking distance for each resident. That portion of a Citywide or regional park which provides recreational accessibility for nearby residents in the same manner as a neighborhood or community park should be considered as meeting this objective.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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- *Parks and Recreation Policy #2:* Public parks, open space lands and other similar public areas should be located, oriented and designed in such a way as to facilitate their security and policing.
- *Parks and Recreation Policy #3:* Through the development review process, private open space and recreation facilities should be encouraged in high density residential projects, mixed use projects and major employment complexes in the vicinity of major transit corridors in order to meet a portion of the open space and recreation needs of residents, employees and visitors that will be generated by that development.
- *Parks and Recreation Policy #4:* The City should accept open space land dedications only when public ownership will preserve the natural and scenic beauty, protect natural and man-made landmarks, or provide a land supply to meet future recreational needs.
- *Parks and Recreation Policy #5:* The development of public and private recreational uses in rural and hillside areas should be low intensity and sensitive to geologic hazards, water resources, natural habitats, and visual impacts, consistent with allowed densities and development standards for residential and other uses.
- *Parks and Recreation Policy #6:* In the design and maintenance of parks, consideration should be given to impacts on wildlife. In particular, it should be recognized that native plant species may be best suited for providing wildlife cover and food sources and that herbicides, pesticides and fungicides may be damaging to native plants and wildlife.
- *Parks and Recreation Policy #7:* The City encourages the Santa Clara Valley Water District, school districts, the Pacific Gas and Electric Company and other public agencies and utilities to provide for appropriate recreational uses of their respective properties and rights-of-way. Consideration should be given to cooperative efforts between these entities and the City to develop parks, pedestrian and bicycle trails, other open space areas, and recreational facilities and programs.
- *Parks and Recreation Policy #8:* The City should consider the conversion of abandoned railroad rights-of-way into multi-purpose trails.
- *Parks and Recreation Policy #9:* The City encourages the County and other appropriate jurisdictions to direct the expenditure of regional park funds to provide parks and other open space lands and recreational resources within, or in close proximity to, the urban population.
- *Parks and Recreation Policy #10:* The City should continue to work cooperatively with local school districts in identifying and evaluating surplus school sites for potential park lands acquisition. In furtherance of this policy, the City should maintain and periodically update the School Site Reuse Plan.
- *Parks and Recreation Policy #11:* The City should maintain and periodically update a plan establishing criteria and standards for the provision of parks and recreation services. "Leisure and Life 2000" meets this objective. Greenprint
- *Parks and Recreation Policy #12:* The City should promote the enactment of Federal, State and local legislation intended to facilitate the acquisition of surplus property of public agencies for parks, open space and recreation purposes.
- *Parks and Recreation Policy #13:* The City encourages the County and other public agencies to accept dedications of open space lands of regional significance, including watersheds, wildlife habitats, wetlands, historic sites, and scenic lands. The City also encourages private entities to preserve open space lands.



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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- *Parks and Recreation Policy #14:* Bikeways, hiking trails, equestrian trails, rest areas and picnicking accommodations should be provided, wherever feasible, within parks and trails corridors designated on the Scenic Routes and Trails Diagram, to access the hillsides, ridgelines, baylands, significant waterways, and other scenic areas.
- *Parks and Recreation Policy #15:* In the design of parks, consideration should be given to providing features, facilities, and services that promote tourism and make San José an attractive location for economic development as well as serve the needs of San José residents.
- *Parks and Recreation Policy #16:* The City should facilitate the creation and improvement of neighborhood and community parks by using the Parkland Dedication Ordinance, the Parallel Impact Fee Ordinance, and the Construction and Conveyance Tax.
- *Parks and Recreation Policy #17:* Parks should be designed and constructed in a manner which allows access to each type of recreational experience for people of all abilities to the maximum extent possible.
- *Parks and Recreation Policy #18:* In the planning of future park expenditures, the provision of new park and recreation facilities and improvements in park deficient areas should be considered a top priority.
- *Parks and Recreation Policy #19:* The City should consider negotiating with property owners and local school districts in newly developing residential areas for the dedication of playground/ recreation portions of future school sites to the City, providing for long term low cost leasing of these playgrounds back to the school districts. Under this arrangement, when a school district declared a site as surplus the playground portions of it would automatically revert back to the City, ensuring public use in perpetuity.

**FINDINGS:** The City of San José has adopted the Parkland Dedication Ordinance (PDO) (Chapter 19.38) and Park Impact Ordinance (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the Parkland Dedication Ordinance.

The proposed project would increase the number of residents on the site and therefore add to the residential population using nearby recreational facilities. However, the project is not expected to increase the use of existing parks such that substantial deterioration would occur or be accelerated.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that recreation impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**XV. TRANSPORTATION / TRAFFIC - Would the project:**

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,19, 27
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,19, 27
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,20
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18

**INTRODUCTION:** Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating transportation and traffic impacts resulting from planned development within the City. All future development allowed by the proposed land use designations would be subject to the transportation policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Level of Service Policy #5:* Maintain specified levels of service.
- *Transportation Policy #3:* Provide right-of-way dedication and improvements.
- *Transportation Policy #8:* Factor safety for all modes into the design of streets and roadways.
- *Transportation Policy #9:* Discourage through traffic on neighborhood streets.
- *Transportation Policy #16:* Encourage pedestrian travel by providing pedestrian facilities.
- *Transportation Policy #43:* Priority improvements to the transportation bicycle network.

In addition to the policies of the San José General Plan, future development allowed by the proposed land use designations would be required to comply with the San José Residential Design Guidelines.

**FINDINGS:** The proposed General Plan Amendment would allow for the maximum development of up to 25 dwelling units on the 3.2-acre project site. The existing Public/Quasi-Public land use designation does not allow for any residential uses. The site is currently undeveloped.

Based on common vehicular trip generation rates, a development under the existing land use designation, which would allow a maximum of 3 single-family residences on the site, would generate approximately 29.7 average daily vehicle trips (ADT), which is 19.8 ADT more than the existing condition. Applying

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the same daily trip rate to the maximum allowable (additional) residential units under the proposed General Plan land use designation, the project would generate up to 69.3 ADT over existing conditions.

Typically, projects that include amendments to the San José 2020 General Plan require the completion of a “General Plan” analysis to address long-term traffic impacts to the City’s roadway network resulting from the land use modification or intensification and/or transportation modifications. This “program-level” analysis assesses impacts at a regional or “macro” level, as opposed to a project- or operational level. The City of San José uses the CUBE model to provide projections on future traffic volumes on the planned roadway system, taking into account the traffic from future development assuming full build-out of the City’s approved General Plan. For traffic analysis purposes, the City has identified three “Special Subareas” in San José: North San José, Evergreen, and South San José. For projects located within a Special Subarea, the assessment of long-term traffic impacts is based on screenline impact criteria. The Department of Transportation ran the computer model traffic impact analysis based on established criteria and determined that the impacts from the proposed land use change are less than significant.

The proposed project is a land use modification to the San José 2020 General Plan Land Use/Transportation Diagram. The increase of up to 5,700 dwelling units resulting from amendments to the General Plan on properties throughout the Evergreen Planning Area was previously analyzed in the City of San José Evergreen - East Hills Vision Strategy (EEHVS) Project EIR. The proposed project would result in the maximum increase of 25 dwelling units, which is well within the amount of residential units already covered in the EIR. Therefore, the long-term traffic impacts associated with the proposed change to the land use designation have already been analyzed at a program-level. (Refer to the EEHVS EIR for a detailed discussion on the program-level traffic analysis.) This Initial Study does not identify any new traffic impacts.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that traffic impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

**XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,22



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e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,21

**INTRODUCTION:** Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating utility-related impacts resulting from planned development within the City. All future development allowed by the proposed land use designations will be subject to the utility and service policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- *Level of Service Policy #2:* Capital and facility needs generated by new development should be financed by new development.
- *Level of Service Policy #6:* Standard is level of service "D" for sanitary sewer lines.
- *Level of Service Policy #7:* Monitor and regulate growth so that cumulative sewage treatment demand can be accommodated by the San José/Santa Clara Water Pollution Control Plant.
- *Level of Service Policy #9:* Encourages use of water conservation programs.
- *Urban Design Policy #7:* Undergrounding of utility lines serving new development.

In addition to the above-listed policies of the San José General Plan, new development in San José is required to comply with programs that mandate the use of water-conserving features and appliances and the City's Integrated Waste Management Program, which minimizes solid waste.

**FINDINGS:** The proposed project would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the subject site is located within the City of San Jose Urban Service Area where such facilities exist, and have the capacity to serve the proposed project.

**CONCLUSION:** Conformance with the above General Plan Policies will ensure that utility and service system impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

**FINDINGS:** As discussed in the previous sections, conformance with the above General Plan Policies will ensure that impacts would be reduced to a less than significant level at the time of future development of the site.

**MITIGATION MEASURES:** None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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## CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. GP09-08-01
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3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. Update on Biological Resources, Dove Hill Road Site (File No. GP09-08-01), January 12, 2010, Monk & Associates
26. Geotechnical Engineering Review, Church of the Crossroads Property, Dove Hill Road and Yerba Buena Road, San Jose, California, January 21, 2010, Earth Systems Pacific.
27. Traffic Impact Analysis for GP09-08-01 Memorandum, September 22, 2009, City of San Jose Department of Transportation
28. Santa Clara Valley Water District Letter, June 23, 2009
29. Dr. Robert R Cartier, Archaeological Resource Management, Historic Evaluation of The Rock Features near Dove Hill and Yerba Buena Roads in the City of San Jose for the Church of Crossroads, November 9, 1999
30. Geotechnical Investigation Dove Hill Church Property Dove Hill Road and Yerba Buena Road San Jose, California, Kleinfelder, March 9, 1999

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**Environmental Clearance Application – File No. GP09-08-01**

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